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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/734,041	
	Filing Date	December 11, 2003	
	First Named Inventor	Lukas Eisermann et al.	
	Art Unit	3733	
	Examiner Name	David C. Comstock	
Total Number of Pages in This Submission	19	Attorney Docket Number	MSDI-222/PC765.00

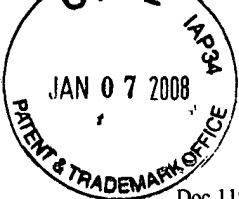
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Doc.1192940

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner
Eisermann et al.	)	David C. Comstock
	)	
Application Serial No. 10/734,041	)	Group Art Unit 3733
	)	
Filed December 11, 2003	)	Ref. No. MSDI-222/
	)	PC765.00
	)	
EXPANDABLE INTERVERTEBRAL	)	January 2, 2008
IMPLANT	)	

**RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated November 1, 2007, please consider the following amendments and remarks. The two-month early response period for responding to the final Office Action expired on January 1, 2008, which fell on a federal holiday, thereby extending the two-month early response period to January 2, 2008 (the first business day after January 1, 2008). Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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January 2, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative



Signature

January 2, 2008

Date of Signature

### **INTRODUCTORY COMMENTS**

Claims 1-31 and 33-60 were pending in the subject application for the final Office Action dated November 1, 2007. Each of the claims has been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.